

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:07CR25
vs.)
MICHAEL FLOWERS and)
MALISA MONROE,)
Defendants.) ORDER

This matter is before the court on the motion to continue by defendant Michael Flowers (Flowers) (Filing No. 49). Flowers seeks a continuance of the trial of this matter which is scheduled for June 4, 2007. Flowers's counsel represents that counsel for the co-defendant has no objection to the motion. Flowers's counsel represents that Flowers consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Flowers's motion to continue trial (Filing No. 49) is granted.

2. Trial of this matter as to both defendants is rescheduled for **July 16, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **May 31, 2007 and July 16, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 31st day of May, 2007.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge